

Message Text

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ACTION L-03

INFO OCT-01 AF-10 ISO-00 SCS-03 SCA-01 H-03 SSO-00 RSC-01

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R 211330Z JAN 74

FM AMEMBASSY TANANARIVE

TO SECSTATE WASHDC 5944

LIMITED OFFICIAL USE TANANARIVE 0082

E.O. 11652: N/A

TAGS: CASC, MA

SUBJ: REPPAS

REFS: A. TANANARIVE 0059

B. STATE 011862

C. TANANARIVE 0072

D. TANANARIVE 0028

1. DATE OF REPPAS' APPEAL HAS NOT BEEN FIXED, ACCORDING TO HIS LAWYER LEBEL WHOM CONSULAR OFFICER VISITED JAN 21. JANUARY 25 DATE, REPORTED REFTEL D, FOR APPEAL PROCEDURES, COULD NOT BE POSSIBLE BECAUSE COURT OF APPEALS HAS JUST BEGUN STUDY OF GARGANTUAN AGM DOSSIER. VARIOUS PRELIMINARY PROCEDURES WOULD TAKE AT LEAST UNTIL LATE FEBRUARY BEFORE OPEN HEARINGS COULD BE HELD.

2. WITH RESPECT REFTEL B, LEBEL REPEATED HIS BELIEF THAT AWARD OF 75 MILLION FMG WAS EXCESSIVE AND THAT IN SUCH CASES, USUALLY ONLY SYMBOLIC PAYMENT IS ASKED FOR BY STATE. LEBEL ALSO FELT THAT MENTION OF LETTER WRITING AND PRESS CAMPAIGN IN VERDICT OF PRESIDING JUDGE OF "COUR CORRECTIONNELLE" WAS INAPPROPRIATE. HE SAID HE WOULD USE THIS AS ARGUMENT FOR REDUCING DAMAGES. HE POINTED OUT THAT 9MR HAS NO EVIDENCE THAT REPPAS PERSONALLY INCITED PRESS ATTACKS.

3. LEBEL THOUGHT IT WOULD BE APPROPRIATE ONLY FOR DEFENSE TO
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QUESTION COMPETENCY OF COURT INTERPRETER. EMBASSY UNDERSTANDS

THAT, SINCE THIS NOT DONE DURING FIRST TRIAL, IT WOULD BE USELESS TO INTRODUCE AS POINT OF APPEAL IN ANY GENERAL SENSE. LEBEL IS, HOWEVER, LOOKING FOR MORE COMPETENT INTERPRETER FOR APPEAL PROCEDURES AND ASKED EMBASSY IF IT KNEW OF ANYONE. EMBASSY KNOWS OF NO ONE WHO IS EXCELLENT INTERPRETER AND WILLING TO SERVE BUT WILL INVESTIGATE POSSIBILITY OF FINDING SOMEONE IN MADAGASCAR.

4. REPPAS, IN COMPANY OF PRISON GUARD, VISITED EMBASSY JAN 18. HE HAD MET WITH AGM BANKRUPTCY TRUSTEES SAME DAY CONCERNING CREDITOR REGISTRATION. AGM TRUSTEE MADELEINE RAMAHOLIMIHASO TOLD HIM THAT LIST OF REGISTERED CREDITORS WOULD BE AVAILABLE SHORTLY. FYI: REPPAS ALSO EXPRESSED FEAR LAWYER RAVONY WILL MAKE POLITICAL COMMENTARY AT FLIENT'S EXPENSE DURING APPEAL. END FYI.

5. COMMENT: EMBASSY NOW INCLINED TO LET LEBEL PRESS PARAS 2 AND 3 POINTS DURING APPEAL, AND SAVE POSSIBLE EMBASSY DEMARKHE ON PARA 2 POINT FOR LATER USE IF AND WHEN EFFORT OBTAIN EXECUTIVE CLEMENCY BECOMES APPROPRIATE. MENDENHALL

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